United Nations A/C.5/54/36

General Assembly

Distr.: General
2 December 1999

Original: English

Fifty-fourth session
Fifth Committee
Agenda items 115 and 121

Right of peoples to self-determination

Proposed programme budget for the biennium 2000-2001

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Programme budget implications of draft resolution II contained in the report of the Third Committee on the right of peoples to self-determination (A/54/604)

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the draft resolution

1. At its 48th meeting, on 16 November 1999, the Third Committee recommended to the General Assembly the adoption of a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination", as contained in section III of its report on the right of peoples to self-determination (A/54/604). At the time of adoption of the draft resolution, the Third Committee was provided with a statement of programme budget implications (A/C.3/54/L.90).

2. Operative paragraphs 11 and 12 of the draft resolution read as follows:

"*The General Assembly*,

...

"11. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to be programmed in its immediate activities, to publicize the adverse effects of the activities of mercenaries on the right to self-

99-37235 (E) 031299

determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

"12. *Requests* the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries, and, in this regard, requests the United Nations High Commissioner for Human Rights to convene expert meetings, as requested in previous General Assembly resolutions, to study and update the international legislation in force and to propose recommendations for a clearer legal definition of mercenaries that would make for more efficient prevention and punishment of mercenary activities."

B. Relationship of requests to the programme of work

3. The activities referred to above fall under programme 19 (Human rights) of the medium-term plan for the period 1998-2001[1] and subprogramme 3 (Advisory services, technical cooperation, support to human rights fact-finding procedures and field activities) of section 22 (Human rights) of the proposed programme budget for the biennium 2000-2001.[2]

4. In order to reflect the provisions of the resolution, the narrative of section 22 of the proposed programme budget for the biennium 2000-2001 would be modified as follows:

Subprogramme 3
Advisory services, technical cooperation, support to human rights fact-finding procedures and field activities

Outputs for 2000-2001

Paragraph 22.79.[2]

(a) Servicing of intergovernmental and expert bodies

(i) Substantive servicing of meetings

Add: d. Annual expert meetings to study and update the international legislation in force and to propose recommendations for a clearer legal definition of mercenaries.

(b) Other substantive activities (RB/XB)

(iii) Non-recurrent publications

Add: one study on the international legislation in force, including recommendations for a clearer legal definition of mercenaries.

(d) Technical cooperation (RB/XB)

(i) Advisory services

Add: and including advisory services to States that are affected by the activities of mercenaries.

C. Activities by which the requests would be implemented

5. During the biennium 2000-2001, it is anticipated that:

(a) The Office of the United Nations High Commissioner for Human Rights would issue a booklet on the question of the adverse effects of the activities of mercenaries on the

right to self-determination. The booklet would be prepared by a consultant, edited, translated and published in the six official languages of the Organization;

(b) Two expert meetings would be convened by the United Nations High Commissioner for Human Rights at Geneva for a period of five working days each to study and update the international legislation in force and to propose recommendations for a clearer legal definition of mercenaries that would make for more efficient prevention and punishment of mercenary activities. A total of 10 academic experts would be invited to each meeting.

D. Additional requirements

6. The implementation of the requests contained in the draft resolution would entail the following requirements for the biennium 2000-2001:

	United States dollars (2000-2001)
Section 22. Human rights	
General temporary assistance	
3 work-months at P-3 level	31 000
3 work-months at GS-Other level	23 100
Consultants	
One consultant for 2 work-months	25 000
Travel of representatives	
20 academic experts from different regions (travel and daily subsistence allowance)	105 500
Total	**184 600**
Section 2. General Assembly Affairs and conference services (Geneva)	
Meeting services requirements (5 days, 10 meetings annually)	65 600
Pre-session documentation (20 documents, 300 pages)	220 600
In-session documentation (10 documents, 100 pages)	74 400
Post-session documentation (10 documents, 100 pages)	74 400
Total (at full cost)	**435 000**

E. Potential for absorption

7. No provision was included in the proposed programme budget for the biennium 2000-2001 for the travel and daily subsistence allowance of the experts or for general temporary assistance and consultant services.

8. The estimates of US$ 435,000, at full cost, for the conference-servicing costs are based on the theoretical assumption that no part of the conference-servicing requirements would be met from within the permanent conference-servicing capacity included under section 2 (General Assembly affairs and conference services) of the proposed programme budget for the biennium 2000-2001. The extent to which the Organization's permanent conference-servicing capacity would need to be supplemented by temporary assistance resources can be determined only in the light of the calendar of conferences and meetings for 2000-2001. Provision has, however, been included under section 2 of the proposed programme budget for the biennium 2000-2001, not only for meetings programmed at the time of preparation of the budget but also for meetings which might be authorized subsequently provided that the number and distribution of meetings and conferences are consistent with the pattern of meetings of past years. As a result, no additional appropriation would be required under section 2 of the proposed programme budget for the biennium 2000-2001.

F. Contingency fund

9. As indicated in paragraph 7 above, no resources have been included under section 22 (Human rights) of the proposed programme budget for the biennium 2000-2001 to cover the additional requirements of $184,600 arising from the draft resolution.

10. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the proposed programme budget. Under this procedure, if additional expenditures are proposed that exceed the resources available from the contingency fund, the activities concerned can be implemented only through redeployment of resources from low-priority areas or modifications of existing activities. Otherwise, such additional activities will have to be deferred to a later biennium.

11. No activities could be identified, at this stage, for termination, deferral, curtailment or modification under section 22 (Human rights) of the proposed programme budget for the biennium 2000-2001 in order to accommodate the additional requirements of $184,600 referred to above.

12. Should the General Assembly adopt draft resolution II recommended by the Third Committee in its report on the right of peoples to self-determination (A/54/604), an additional provision of $184,600 would be required over and above the resources included in section 22 (Human rights) of the proposed programme budget for the biennium 2000-2001. This provision would represent a charge against the contingency fund and as such would require a related additional appropriation.

Notes

[1] See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 6* (A/53/6/Rev.1).

[2] Ibid., *Fifty-fourth Session, Supplement No. 6* (A/54/6/Rev.1), vol. III.